

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil No. 1:15-CV-090-GCM

MELISSA ANN MAY,

Plaintiff,

CAROLYN W. COLVIN,

Acting Commissioner of Social Security,

Defendant.

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ORDER

THIS MATTER is before the court on Plaintiff's Motion for Attorney Fees (Doc. No. 23) and Defendant's Response to Motion for Attorney Fees (Doc. No. 24). Defendant's response contained no objections to Plaintiff's motion.

IT IS ORDERED that the Plaintiff's Motion for Attorney's Fees is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$3,584.38, to be sent to Plaintiff's counsel, Paul T. McChesney, McChesney and McChesney, 188 Alabama St., Spartanburg, SC 29302. And that pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (U.S. 2010), 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel.

SO ORDERED.

Signed: January 19, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

